



# Victoria Government Gazette

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## Control of Weapons Act 1990

### EXTENDABLE BATONS AND OLEORESIN CAPSICUM SPRAY EXEMPTION

#### Order in Council

The Governor in Council under section 8B of the **Control of Weapons Act 1990** exempts the person or class of persons listed in Column 1 of the Table below from sections 5(1), 5(1AB) and 5AA of the **Control of Weapons Act 1990**, as those sections apply to bringing into Victoria, causing to be brought into (or sent to) Victoria, purchasing, possessing, carrying or using the items specified in Column 2 of the Table, for the purpose listed in Column 3 of the Table.

Column 1 Person	Column 2 Items	Column 3 Purpose
An officer within the meaning of section 482A of the <b>Children, Youth and Families Act 2005</b> assigned to the Safety and Emergency Response Team.	Extendable baton  Oleoresin capsicum spray	That person's duties in relation to ensuring the security or good order of, or the safety and security of any detainee in, Parkville Youth Justice Centre or Malmsbury Youth Justice Centre.  'Parkville Youth Justice Centre' means the Youth Remand Centre, the Youth Residential Centre and the Youth Justice Centre established by Order in Council published in the Government Gazette G 22 on 2 June 1994 at Crown Land situated at Park Street, Parkville.  'Malmsbury Youth Justice Centre' means the Youth Justice Centre established by Order in Council published in the Government Gazette No. 27 on 14 April 1965 at Calder Highway, Malmsbury and the Youth Remand Centre established by Order in Council published in the Government Gazette G 51 on 22 December 2005 at Calder Highway, Malmsbury.
An officer within the meaning of section 482A of the <b>Children, Youth and Families Act 2005</b> assigned to the Safety and Emergency Response Team.	Extendable baton  Oleoresin capsicum spray	That person's duties when participating in extendable baton or oleoresin capsicum spray training.
Director of Youth Justice Custodial Services, Department of Justice and Regulation, or the person acting in that role from time to time.	Extendable baton  Oleoresin capsicum spray	That person's duties in relation to the management of Parkville Youth Justice Centre or Malmsbury Youth Justice Centre (as defined above).

**SPECIAL**

**Conditions:**

In relation to an officer within the meaning of section 482A of the **Children, Youth and Families Act 2005** assigned to the Safety and Emergency Response Team in relation to a youth justice facility (being the Parkville Youth Justice Centre or Malmsbury Youth Justice Centre), it is a condition of this exemption that:

1. When bringing into Victoria, causing to be brought into (or sent to) Victoria, purchasing, possessing, carrying or using, extendable batons, or oleoresin capsicum spray, the officer must act in accordance with the **Children, Youth and Families Act 2005** and the **Charter of Human Rights and Responsibilities Act 2006**.
2. The officer must observe all instructions regarding the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in any relevant:
  - a. Director's Instructions in relation to the Centres issued by the Director of Youth Justice Custodial Services, Department of Justice and Regulation; and
  - b. Operation Orders in relation to the Centres issued by the Executive Director of Youth Justice Operations, Department of Justice and Regulation (being the officer in charge of Victorian Youth Justice Custodial Services).
3. The officer must have successfully completed the training requirements for the purchase, storage, possession, carriage and use of extendable batons and oleoresin capsicum spray as specified in any relevant Director's Instruction in relation to the Centres issued by the Director of Youth Justice Custodial Services, Department of Justice and Regulation.
4. The officer must not be a prohibited person under the **Control of Weapons Act 1990**.

In relation to the Director of Youth Justice Custodial Services, Department of Justice and Regulation, or the person acting in that role from time to time, it is a condition of this exemption that:

1. When bringing into Victoria, causing to be brought into Victoria, purchasing, possessing, carrying or using, extendable batons, or oleoresin capsicum spray, the Director, or the person acting in that role from time to time, must act in accordance with the **Children, Youth and Families Act 2005** and the **Charter of Human Rights and Responsibilities Act 2006**.
2. The Director, or the person acting in that role from time to time, must not be a prohibited person under the **Control of Weapons Act 1990**.

This Order comes into effect on the date it is published in the Government Gazette.

Dated 23 October 2018

Responsible Minister:

HON LISA NEVILLE MP

Minister for Police

ANDREW ROBINSON  
Clerk of the Executive Council

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